THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.4444 of 1998

Dated 31st October 2006

Between:

Dhimant Adhia,
Gandhinagar, Secunderbad.

.....Petitioner.

And

The Commissioner of Police,
Hyderabad and others.

.....Respondent.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 4444 of 1998

ORDER:

In this writ petition, the petitioner is seeking directions by way of mandamus to direct the respondents 1 and 2 to thoroughly investigate the incident, which had occurred on 9.11.1997.

The petitioner lodged a complaint to police alleging that the 3rd respondent has inflicted injuries on the petitioner and also misbehaved with his wife as such he is liable for prosecution and questioned to take appropriate action in the matter. Accordingly, the police have registered a case against the 3rd respondent and filed a charge for the alleged offence under Section 323 and 70 (b) of the City Police Act. It is a case of the petitioner that they did not properly investigate and they ought to have filed charge sheet for the offences under Section 376 and 354 IPC.

Once the complaint is filed it is for the police to investigate into the matter and file final report as required

under Section 173 Cr.P.C for framing appropriate charges against the accused. If the petitioner is having any objection for filing the final report he can as well file an objection to the competent Court. Further, it is also open for the petitioner to file a private complaint for the alleged offence under Section 200 Cr.P.C.

But once the investigation is completed he cannot seek direction by way of mandamus on the ground that there was no proper investigation by the police. In that view of the matter, I do not find any substance for grant of directions as prayed for.

Hence, the writ petition is devoid of merits and is accordingly dismissed.

R. SUBHASH REDDY, J

Dated 31.10.2006
mrb